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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,086	09/19/2001	Guy Azam	P21314	3803

7055 7590 10/29/2002

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EXAMINER

SMITH, JAMES G

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,086

Applicant(s)

AZAM ET AL.

Examiner

James G Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. The claims recitation "said locking means is integrated into a locking element of said locking means that is slidably mounted on said loop" is not understood. Is "said locking means" not the same as a "locking element of said locking means"? The Examiner understands the claim as the locking means is slidably mounted on the loop and has been examined as such.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Elieff (4,967,454). Elieff discloses a closure system for footwear comprising a tightening zone, a loop made of typical lace material (14), means for locking the loop of laces in place (12), and a gripping device (16) attached to the loop for enabling the user to tighten the footwear to the wearer. The return elements recited in the instant application are present in the Elieff patent in the form of holes in which the lace material passes through. With respect to Claim 12, the

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gripping device (12) is rigid and by default distributes the tension of the loop (14) over the hand of the user. With respect to Claim 13, the gripping device (16) would be complementary to at least three fingers of the hand of the user. With respect to Claim 14, the gripping device (16) includes means to cooperate with two ends of laces in making a closed loop. With respect to Claim 15, the locking means (12) is situated in the tightening zone between the lace holes for maintaining the tension in the tightening zone. With respect to Claim 16, the tightening zone of Elieff can be broken into a front zone, near the toe portion of the footwear, and a rear zone, near the ankle of the wearer. The locking mechanism (12) would be able to be placed between and sets of lace holes so as to only maintain the tension of the section from that point forward on the loop. With respect to Claim 17, the lace holes of Elieff would make it virtually impossible for the loop to escape during loosening. With respect to Claim 19, the loop material of Elieff appears to be that of a typical shoelace which is flexible and substantially non-stretchable. With respect to Claim 20, the locking means is slidably located on the loop of the Elieff closure system.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Elieff (4,967,454).

While Elieff explicitly teaches every detail of Claim 11 it fails to explicitly define the return elements as hook members as the instant application has claimed. The Elieff patent simply uses

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lace holes for return elements. The idea of hook members being used in this capacity is not new and is well known in the art. To change from using lace holes to hook members would be obvious and all the benefits sited in the instant application for doing such are likewise well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the shoe closure system of Elieff with hook members to replace the lace holes for ease of lacing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 703-605-4225. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-308-0758 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

JGS
October 23, 2002


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700